

WSDOT Design-Build

Guidance Statement

Title – Use of Reference Documents on Design-Build Projects

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Relevant Section of WSDOT DB Guidebook – 4.4 Formulation of RFP Package

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Introduction

There is a tendency on Design-Build contracts to use reference documents as mandatory requirements as an attempt to ensure “all is covered.” The result of this can only increase the cost of bids by showing we are not sure what we want but we can pick from many reference documents to get what we want, which may have not been the intent of the proposer. This also creates an environment that makes contract administration difficult. The project manager may find themselves in a constant state of negotiation on what may or may not be required. The guidance below is intended to define how reference documents should be used on the Department’s Design-Build projects.

Guidance Statement

Use of Design-Build Reference Documents

Reference documents may be in the form of environmental documents and decisions, old contract plans or As-built Plans, reports, condition surveys, agreements, GSP’s, other contracts, photographs, old boring logs, correspondence, and meeting minutes.

Reference documents should be used to provide information that may be useful or of interest to the Proposers in preparing their Proposals and executing the Contract. Reference documents are provided to the Design-Builder for use at the Design-Builder’s risk and come without Department warranties except as specifically provided for in the Contract Documents. Reference documents are not to be confused with RFP technical requirements. Reference documents that are going to be included need to be reviewed as a project’s RFP is being developed. Items found within reference documents that are viewed as mandatory (not to be left to the decision of the Designer of Record) need to have their context included in the Contract Documents as a technical requirement.

Reference documents are not included in the Contract Documents for many reasons, including the following:

- The intent may be to show a historical aspect and may be outdated or obsolete;
- The information may have been provided or prepared by parties that the Department has no control or with which the Department has no contractual or legal agreement;
- The document itself may be guidance not a requirement;
- The Designer of Record needs to have the ability to use reference documents in the same manner as Department staff;
- The volume of reference documents being used on the Department’s Design-Build projects creates a high potential for conflict;
- The information may be ambiguous regarding its assignment of responsibility for performance of work; and/or
- The information may have been obtained for a different project or at another time and may or may not represent current conditions, such as geotechnical borings for building projects along the roadway corridor.

The Department cannot require work to be done in accordance with all of the reference documents, essentially using reference documents as the technical requirements. An RFP's technical requirements may incorporate portions of the reference documents by reference, thereby converting that portion of the reference document into a technical requirement. However, it is preferable to avoid this approach because it can lead to confusion regarding the intent.

What are the Benefits?

Benefit 1

Clarifies how reference documents are used on Design-Build contracts.

Benefit 2

Eliminate excessive contract requirements that can be overwhelming to proposers and may lower bids.

Benefit 3

Give the Designer of Record the ability to perform their duties as intended when using the Design-Build delivery method.

Concurrence

5/10/07

Was the WSDOT DB Guidebook Updated with this information?

No